

**Case # 16-cv-6829**

**June 7, 2019**

**Honorable Marian W. Payson**

**100 State St.**

**Rochester, N.Y. 14614**

cc: Michael H. Sussman, Esq.  
Sussman & Watkins  
Attorneys for Plaintiff  
40 Park Place  
P.O. Box 1005  
Goshen, N.Y. 10924

Cheryl Meyers Buth, Esq.  
Laurie A. Baker, Esq.  
Meyers Buth Law Group PLLC  
Attorneys for Defendant  
23 Princeton Place, Suite 105  
Orchard Park, N. Y. 14127

Dear Honorable Payson,

I am the Plaintiff in the above-mentioned case. My name is Ellen Bingham. I am reaching out to the court and notifying all parties involved of an ongoing matter involving myself and the attorney who was originally retained by my son Kenneth Bingham, Mr. Michael Sussman. I have made many attempts to reach out to Mr. Sussman. I have had one face to face with him and that was the first Monday in February of this year. I will tell you that as far as this Alternative Dispute Resolution (ADR) program the very first I heard of it was when my youngest daughter looked the case up on the Pacer website to get insight as to the case progress. At no point has Mr. Sussman been in contact with me to discuss my attendance to the ADR, or with me about the ADR. The only information I know about the ADR is from the mediator herself Ms. Amanda Williams, Esq. as we called to inquire if I am entitled to attend, and that is when I was informed, I was required to attend.

I do want to inform the court of the history of Mr. Sussman and myself, so the court can proceed as necessary. My daughter Kim Martin had retained Mr. Sussman on another matter. She and I have an estranged relationship. Mr. Sussman made it abundantly clear to me prior to me being named the Administrator of my sons Estate that he represents Kim Martins interests. I have spoken with the Surrogates Court in Sullivan County and other attorneys and according to what I have been told she has no interest unless I make her apart of this. She had the audacity to tell the surrogates court that I was dead. Then told them I was dying. She filed false and misleading paperwork with them. It is my opinion that Mr. Sussman and Kim Martin intend to try to get the court to once again adjourn or postpone this matter of the ADR. However, I am fully prepared to travel and be present for the ADR on June 26, 2019, and I am requesting that the court do not issue any further delays in this process.

I also feel as though there has been an egregious act of misconduct on the part of Mr. Michael Sussman, Esq. It is my opinion that if we cannot come to some sort of resolution with the Defendant in this case that we will be filing a Motion to have your Honor remove Mr. Sussman from this case for Official

misconduct and brought before the New York State Bar Association for Admonition. I realize the possible repercussions this letter may cause, but the actions, and in all honesty inactions of the ineffective counsel and the lack of best interest in this case leave this elderly woman no choice in this matter. Thank you for hearing me out and placing this letter on the record.

Sincerely,

A handwritten signature in black ink, reading "Ellen Margaret Armann Bingham". The script is cursive and fluid, with the first name "Ellen" starting with a large capital 'E' and the last name "Bingham" ending with a long, sweeping tail.

Ellen Margaret Armann Bingham  
Administrator of the Estate of Kenneth Bingham

Ellen Bingham  
PO Box 921  
Woodridge, NY 12789

Honorable Marian W. Payson  
100 State St.  
Rochester, NY 14614



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